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10/634,360	08/05/2003	Albert Elcock	D03112	8914
43471	7590	12/12/2008	EXAMINER	
Motorola, Inc. Law Department 1303 East Algonquin Road 3rd Floor Schaumburg, IL 60196			BANTAMOL, ANTHONY	
			ART UNIT	PAPER NUMBER
			2423	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.US@motorola.com

### Office Action Summary

**Application No.**

10/634,360

**Applicant(s)**

ELCOCK ET AL.

**Examiner**

ANTHONY BANTAMOI

**Art Unit**

2423

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 8-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to the independent claims 1, 5 and 20 have been considered but are moot in view of the new ground(s) of rejection.

With respect to claim 8, Applicant argues that Aristides fails to teach a program request for a particular program, and fails to teach sending the program request to the head-end if the requested program is not in an electronic program guide (EPG) in the end user device (See remarks on page 10, fifth paragraph).

Examine maintains that Aristides teaches a program request for a particular program, and fails to teach sending the program request to the head-end if the requested program is not in an electronic program guide (EPG) in the end user device (column 5, 44-47(one or more time slots correspond to a particular program(column 5, 12-15) as recited in claim 8.

Therefore, Aristides meets all the limitations of claim 8 as recited.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action),

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 8-13, 16-17, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Aristides et al US Patent 5,630,119 (hereafter referenced as Aristides).

Regarding claim 8, Aristides teaches a system for displaying an EPG comprising a set top box for receiving and manually searching by scrolling horizontally through the EPG information in memory which reads on "an end user device, said end user device receiving a program request to query an electronic program guide for a particular program (column 5, 44-47(one or more time slots correspond to a particular program(column 5, 12-15), Aristides teaches a head end coupled to said end user device, said head end supplying an electronic program guide to said end user device (figure 1, label 22), Aristides teaches scrolling to a future time slot not available which triggers a request for missing EPG program at headend which meets "said end user device searching said electronic program guide for said particular requested program" (column 6, 31-39 & column 5, 12-15 (one or more time slots correspond to a particular program)), Aristides teaches wherein if said particular, requested program request is not in said electronic program guide said end user device sends said program request to said head end" (column 5, 55-57 & column 5, 12-15 (one or more time slots correspond to a particular program)).

Regarding claim 9, Aristides teaches a set top box comprising a data processor for processing the EPG data which reads on "a processor, said processor managing interaction with said electronic program guide" (figure 5), Aristides teaches a transceiver configured to receive and transmit television broadcast signals which reads on "a tuner coupled to said processor, said tuner receiving said program in said request if the program in the request is currently being transmitted from the head end" (figure 5 & column 6, 31-38), Aristides teaches a RAM and ROM memory coupled to set top box

wherein the RAM is used for storing EPG information which reads on "one or more storage devices coupled to said processor, said one or more storage devices storing an electronic program guide and the program request not in said electronic program guide" (figure 5).

Regarding claim 10, Aristides teaches a communication interface in the form of a two sided arrow connected to the set top box via the transceiver for receiving and sending request which reads on "the system further comprising an input port coupled to said processor" (figure 5).

Regarding claim 11, Aristides teaches a handheld remote control as means for transmitting user request to set top box which reads on "the system, wherein said input port comprises at least one of a radio frequency receiver to receive a signal from a wireless remote control, an infrared receiver to receive a signal from a wireless remote control, an universal serial bus interface, or keyboard interface" (column 4, 5-7).

Regarding claim 12, Aristides teaches a communication interface in the form of a two sided arrow connected to the set top box via the transceiver for receiving and sending request which reads on "the system, wherein said end user device further comprises a data port" (figure 5).

Regarding claim 13, Aristides teaches that the network interfacing the set top box and head end unit in figure 1 is a fiber cable network which reads on "the system, wherein said data port comprises at least one of a universal serial bus interface, a firewire interface, an Ethernet interface, a coaxial cable interface, or an optical interface" (column 3, 6-12).

Regarding claim 16, Aristides teaches a set top box coupled to a television device which reads on "the system further comprising a monitor display coupled to said end user device" (figure 1, labels 26a-d (STB)).

Regarding claim 17, Aristides teaches a set top box coupled to a television device which reads on "the system further comprising a television display coupled to said end user device" (figure 1, labels 26a-d (STB)).

Regarding claim 19, Aristides teaches a set top box coupled to a television device which reads on "the system further comprising an audio output device coupled to said end user device" (figure 1, labels 26a-d (STB)).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action),

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides, in view of Barrett et al US Patent Publication 2003/0237096 (hereafter referenced as Barrett).

Regarding claim 1, Aristides teaches data entry interface for receiving an input of a program request (column 5, 60, & 65-67), Aristides teaches memory for receiving said electronic program guide from said head end (figure 5, label 206), Aristides teaches a set top box which allows a user to manually search for a future time slot by scrolling

horizontally through the electronic program guide (EPG) which meets "search means for searching said electronic program guide for said particular, requested program in said program request" (column 5, 44-57(one or more time slots correspond to a particular program(column 5, 12-15), Aristides teaches wherein if said particular, requested program is not in said electronic program guide in said memory, said search means sends said program request to said head end" (column 5, 55-57).

Aristides is silent about wherein said program request identifies a particular program being requested.

Barrett teaches initiating a request for a particular program which meets "wherein said program request identifies a particular program being requested" (Para. 0041, ll. 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aristides to include wherein said program request identifies a particular program being requested as taught by Barrett in order to provide a fast response programs search.

Regarding claim 2, Aristides teaches a handheld remote control as means for transmitting user request to set top box which reads on "the end user device, wherein said data entry interface comprises at least one of a radio frequency receiver to receive a signal from a wireless remote control, an infrared receiver to receive a signal from a wireless remote control, an universal serial bus interface, or keyboard interface" (column 4, 5-7).

Regarding claim 3, Aristides teaches a communication interface in the form of a two sided arrow connected to the set top box via the transceiver for receiving and sending request which reads on “the end user device further comprising a data port” (figure 5).

Regarding claim 4, Aristides teaches that the network interfacing the set top box and head end unit in figure 1 is a fiber cable network which reads on “the end user device, wherein said data port comprises at least one of a universal serial bus interface, a firewire interface, an Ethernet interface, a coaxial cable interface, or an optical interface” (column 3, 6-12).

**6.** Claims 5, 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides, in view of Miura et al US Patent 7,188,356 (hereafter referenced as Miura).

Regarding claim 5, Aristides teaches a headend unit comprising a data server where EPG information is stored to be sent to update EPG stored on set top box which reads on “a first memory for storing an electronic program guide, said electronic program guide being sent from said first memory to said end user device” (figure 1, 70), Aristides teaches the server comprising a second memory to store most frequently requested EPG information that are not found in set top box EPG memory which reads on “a second memory for receiving a program request from said end user device for a particular program that is not in the electronic program guide in the end user device” (column 6, 43-53 & (column 5, 44-57 (one or more time slots correspond to a particular program(column 5, 12-15), Aristides teaches a server configured to receive and process set top box request for missing EPG data in local memory sent to headend unit and



sending the missing request and other future needed information to set top box as an update which reads on "an interactive server, said interactive server receiving said program request not in said electronic program guide from said end user device, and said interactive server selectively adding said program request to one of said electronic program guide or extended database schedule in response to the quantity of cumulative requests for said program request not in said electronic program guide" (figure 1, 70).

Aristides is silent about storing a count of a plurality of received program requests for the particular program not in an electronic program guide of each one of one or more end user devices and comparing the count to a trip limit.

Miura teaches storing a count of a plurality of received program requests for the particular program not in an electronic program guide of each one of one or more end user devices and comparing the count to a trip limit (column 9, 50-54 & column 10, 56-60 (item 22 (threshold determines update or delete))).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aristides to include storing a count of a plurality of received program requests for the particular program not in an electronic program guide of each one of one or more end user devices and comparing the count to a trip limit as taught by Miura in order to support viewing past programs on EPG without reserving or recording them prior to their start time on the EPG.

Regarding claim 14, Aristides teaches a data server configured to receive and process set top box request of missing EPG data in local memory sent to headend unit and sending the missing request and other future needed information to set top box as

an update which reads on “the system, wherein said head end comprises an interactive server (figure 1, label 70), Aristides teaches said interactive server receiving said program request not in said electronic program guide from said end user device, said interactive server selectively adding said program request to one of said electronic program guide or extended database schedule in said headend in response to receiving a plurality of requests for the particular program from one or more end user devices (column 5, 52-57 & column 5, 12-15 (one or more time slots correspond to a particular program)).

Aristides is silent about in response to a count of the plurality of requests being greater than or equal to one or more trip limits.

Miura teaches in response to a count of the plurality of requests being greater than or equal to one or more trip limits (column 9, 50-54 & column 10, 56-60 (item 22 (threshold determines update or delete))).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aristides to include in response to a count of the plurality of requests being greater than or equal to one or more trip limits as taught by Miura in order to support viewing past programs on EPG without reserving or recording them prior to their start time on the EPG.

Regarding claim 15, Aristides teaches a data server configured to receive and process set top box request of missing EPG data in local memory sent to headend unit and sending the missing request and other future needed information to set top box as an update which reads on “the system, wherein said head end comprises an interactive

server (figure 1, label 70), Aristides teaches said external interactive server receiving said program request not in said electronic program guide from said end user device, said interactive server selectively adding said program request to one of said electronic program guide or extended database schedule in said headend in response to receiving a plurality of requests for the particular program from one or more end user devices (column 5, 52-57 & column 5, 12-15 (one or more time slots correspond to a particular program)).

Aristides is silent about in response to a count of the plurality of requests being greater than or equal to one or more trip limits.

Miura teaches in response to a count of the plurality of requests being greater than or equal to one or more trip limits (column 9, 50-54 & column 10, 56-60 (item 22 (threshold determines update or delete))).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aristides to include in response to a count of the plurality of requests being greater than or equal to one or more trip limits as taught by Miura in order to support viewing past programs on EPG without reserving or recording them prior to their start time on the EPG.

7. Claims 20-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett, in view of Miura.

Regarding claim 20, Barrett teaches receiving a program request identifying a particular program being requested; querying an electronic program guide for said request (Para. 0041, ll. 1-5), Barrett teaches supplying a result of said request, wherein

said result provides a matched indication, said matched indication providing a next broadcast time period in said electronic program guide for said request (figure 4, step 418), Barrett teaches or a miss indication, said miss indication providing data indicating that said request was not found in said electronic program guide (figure 4, step 416).

Barrett is silent about selectively adding said particular program to at least one of said electronic program guide or extended database in response to a plurality of miss indications for said particular program.

Miura teaches selectively adding said particular program to at least one of said electronic program guide or extended database in response to a plurality of miss indications for said particular program (column 9, 50-54 & column 10, 56-60 (item 22 (threshold determines update or delete))).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aristides to include selectively adding said particular program to at least one of said electronic program guide or extended database in response to a plurality of miss indications for said particular program as taught by Miura in order to support viewing past programs on EPG without reserving or recording them prior to their start time on the EPG.

Regarding claim 21, Barrett teaches the method further comprising the step of receiving said request from at least one of a wireless remote control, a universal serial bus port interface, a keyboard, a firewire interface, an Ethernet interface" (Para. 0033, ll. 8).

Regarding claim 22, Barrett is silent about the method further comprising a step of updating said electronic program guide.

Miura teaches the method further comprising a step of updating said electronic program guide (column 9, 50-54).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Aristides to include the method further comprising a step of updating said electronic program guide as taught by Miura in order to support viewing past programs on EPG without reserving or recording them prior to their start time on the EPG.

Regarding claim 24, Barrett teaches the method further comprising a step of receiving said electronic program guide (figure 45, step 402).

**8.** Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Barrett, in view of Miura, in view of Aristides.

Regarding claim 23, Barrett and Miura are silent about the method further comprising a step of updating said extended database.

Aristides teaches updating most requested EPG information as needed to reflect correct responses which reads on "the method further comprising a step of updating said extended database" (column 6, 47-50).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the method of Barrett and Miura to include the method further comprising a step of updating said extended database as taught by Aristides in order to easily retrieve requested data.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Aristides, in view of Tomsen US Patent Publication 2002/0013950 (hereafter referenced as Tomsen).

Regarding claim 18, Aristides is silent about the system further comprising a personal computer coupled to said end user device.

Tomsen disclose connecting a set top box to a personal computer which reads on "the system further comprising a personal computer coupled to said end user device" (Para. 0058).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Aristides to include connecting a set top box to a personal computer as taught by Tomsen in order to increase the hold requests for future use.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY BANTAMOI whose telephone number is (571)270-3581. The examiner can normally be reached on Monday - Friday 8-5),30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Koenig can be reached on (571) 272 7296. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Anthony Bantamoi  
Examiner  
Art Unit 2623

/Anthony Bantamoi/  
Examiner, Art Unit 2623